

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 25, 1963
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Absent: None

Present also: W. T. Williams, Jr., City Manager; Dudley Fowler, Assistant City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REV. CARL BOWERS.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS:

(1) AN IRREGULAR SHAPED TRACT OF LAND CONTAINING 9.10 ACRES OF LAND, LOCALLY KNOWN AS 2709-2945 LOYOLA LANE, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; (2) A TRACT OF LAND HAVING AVERAGE DIMENSIONS OF APPROXIMATELY 75 FEET BY 190 FEET, LOCALLY KNOWN AS 3512 JEFFERSON STREET, FROM "A" RESIDENCE DISTRICT TO "C-1" COMMERCIAL DISTRICT; (3) (A) FIRST TRACT: CONTAINING 5.11 ACRES OF LAND (B) SECOND TRACT: CONTAINING 6.28 ACRES OF LAND; SAID TWO TRACTS LOCALLY KNOWN AS 2210-2414 BEN WHITE BOULEVARD, 3602-3632 AND 3605-3635 PROPOSED CATALINA DRIVE, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT; (4) (A) A TRACT OF LAND CONTAINING THREE LOTS AND A PORTION OF THREE LOTS PLUS A VACATED ALLEY, ALL OF BLOCK 74, ORIGINAL CITY, LOCALLY KNOWN AS 501-515 WEST 7TH STREET, 609-611 NUECES STREET AND 610-618 SAN ANTONIO STREET; AND (B) THE NORTH 111.1 FEET OF LOT 8, BLOCK 74, ORIGINAL CITY, LOCALLY KNOWN AS 517-521 WEST 7TH STREET AND 613-619 NUECES STREET, FROM "O" OFFICE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND FOURTH HEIGHT AND

AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; (5) LOT 3, BLOCK 9, ALTA VISTA SUBDIVISION, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (6) LOT 16, BLOCK 1, GLENWOOD ADDITION, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (7) (A) PART 1: LOT 6, EDWARD SEIDERS SUBDIVISION; THE SOUTH 40 FEET OF LOT 1, BLOCK 1, HENRY B. SEIDERS ADDITION AND THE SOUTH 150 FEET OF ONE ACRE, MORE OR LESS, OUT OF THE GEORGE W. SPEAR SURVEY, LOCALLY KNOWN AS 1200-1208 WEST 38TH STREET, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; AND (B) PART 2: LOT 2 AND THE NORTH 99.33 FEET OF LOT 1, BLOCK 1, HENRY B. SEIDERS ADDITION AND THE NORTH 228 FEET OF ONE ACRE, MORE OR LESS, OUT OF THE GEORGE W. SPEAR SURVEY, LOCALLY KNOWN AS 1201-1209 WEST 39TH STREET, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; (8) A 3.00 ACRE TRACT OF LAND FRONTING APPROXIMATELY 375 FEET ON JACKSON AVENUE, LOCALLY KNOWN AS 4100-4112 JACKSON AVENUE, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; (9) TWO TRACTS OF LAND CONTAINING A TOTAL OF 22,896 SQUARE FEET, AND FRONTING 110 FEET ON WEST 35TH STREET, LOCALLY KNOWN AS 1803 AND 1805 WEST 35TH STREET, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; (10) A TRACT OF LAND CONTAINING 21,714 SQUARE FEET OF LAND AND FRONTING APPROXIMATELY 140 FEET ON EAST 41ST STREET, LOCALLY KNOWN AS 907 AND 909 EAST 41ST STREET, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; (11) LOTS 7 AND 8, BLOCK 179, ORIGINAL CITY OF AUSTIN, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND (12) LOT 5, BLOCK 2, IN THE RESUBDIVISION OF SHOALMONT ADDITION, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

MRS. J. D. McFARLAND, 909 East 38 $\frac{1}{2}$ Street, read a statement regarding the widening and paving of East 38 $\frac{1}{2}$ Street, outlining the early improvements of the street some 17 years ago, the street's becoming a thoroughfare, the installation of the 65' poles along in their front yards, and crews' coming out and removing the upper halves of their trees since these poles were to carry terrific loads. Mrs. McFarland was opposed to the property owners' having to pay for the widening of East 38 $\frac{1}{2}$ Street when they had paid for the paving previously. MR. A. R. KELLEY, Construction Engineer, Department of Public Works, explained the type of pavement was definitely not a permanent type of paving; there was a gravel base with asphalt emulsion laid on it; and it was not adequate to carry the load that the street now has. MRS. REYNOLDS stated one person from the City who came to remove a slab of concrete from her yard had told her it was solid concrete and there was no black dirt mixed in it. She lived at 916 East 38 $\frac{1}{2}$ Street. MRS. NULTY stated Collins Construction Company had done the paving, and he did not put it down as temporary paving. The Mayor stated Mr. Collins would have followed the specifications on which he had bid. The Mayor tried to find out how many people were present who lived on the street at the time the paving was put down and how many had purchased their homes since the first paving. The Mayor reviewed the paving programs and the passage of the subdivision ordinance which now requires a specific type of pavement to be done in residential areas. The City Manager explained in great detail the assessment program and the voluntary paving program, and the advantages to the property owners in the voluntary paving program. The procedures of the paving programs were discussed at length, in that there would be a hearing at which time appraisers would make expert testimony. It was explained these hearings would be held for those who did not go under the Voluntary Paving program. Others took part in the discussion. It was pointed out it would cost 30 to 40% more if the properties were assessed.

MR. FRED WERKENTHIN invited the Council to the Sunshine Camp Luncheon at which the awards would be made to the children.

REV. SIMS reviewed a situation of his Church's buying property, and later the City's planning to extend 12th Street right through where they were going to develop their property. He said the City was trying to negotiate with Mr. Gatewood, owner of the property immediately behind where the church is, and Mr. Gatewood and the Church worked out a proposition that the Church buy the 15 acre tract. Rev. Sims stated in talking with the City Attorney, he had led them to believe if the Church purchased the 15 acre tract that the City would be interested in 12 acres, and the Church would have three acres. Mr. Gatewood, after waiting a while, stated if the Church did not make up its mind he was going to withdraw his offer, and the Church purchased the property with the feeling the City was going to buy 12 acres. He read a letter from the City Attorney to Mr. Gatewood. Rev. Sims stated the Church was willing to give the property to the City, but it is not willing to pay for the paving. He stated the Church had been handicapped and was not able to improve its property. The Mayor stated the City had purchased the Church land, and he had permission to move the improvements off the property. Rev. Sims said houses are being developed and two new churches

have been constructed and another remodeled and his Church is as it was. The Mayor reported that the Council had looked at this property many times, and realized the cost involved in developing it and that the City normally had no business in the development of subdivisions, and he was of the opinion this message had been conveyed to Rev. Sims; and subsequently Rev. Sims made the trade with Mr. Gatewood. The City Manager reported the Church site was immediately back of the property the City bought, and there was no reason why the street could not be opened from Webberville Road to include the portion of the street in front of the new Church site without developing it the rest of the way through. The street could extend at the present time only to the east boundary of the new church site instead of being extended all the way across the additional 12 acres. The Mayor stated if Rev. Sims would put up the money for the costs of the extension of the utilities to serve the Church; then as far as the City was concerned it would agree to pave in front of that City property. Rev. Sims inquired about the sewer. The City Manager stated that was another complication. If the 12 acres east of the Church site were subdivided, the subdivider would put in this sewer line all the way across the 12 acres and it would be available to the Church at its east boundary. Without that, the normal rule would be to either give them an approach main contract, or the City would extend the line 100' and they pay for the balance of the line. The Mayor asked Rev. Sims to work with the City Attorney and City Manager and find out what the exact costs of paving in front of his property would be, what the extensions of utilities in front of his property and the approach main would be, and the City in turn would check to see if the sewer line comes within the 100' rule.

Pursuant to published notice thereof, the Council at 10:30 A.M. opened the hearing on paving and improvements of the following streets:

ANTHONY STREET and sundry other streets
ARROYO SECA and sundry other streets
BALCONES DRIVE and sundry other streets
HARDY DRIVE

No one appeared to be heard. MR. TOM de STEIGUER asked the Public Works Director if the improvements enhanced the value of the property to the extent of the assessment. The Director of Public Works stated in all of the cases involved here that he believed the paving and improvements had enhanced the value of the property in the amount of the assessment. Councilman Long moved that the hearing be closed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR

IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Anthony Street and sundry other streets)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

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THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Arroyo Seca and sundry other streets)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

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IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Balcones Drive and sundry other streets)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED

AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Hardy Drive)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Pursuant to published notice thereof the following zoning application was publicly heard:

VIRGIL L. SOUTHWORTH	1918 (1910) East 1st	From "C-1" Commercial
By Trueman O'Quinn	Street	To "C-2" Commercial
		RECOMMENDED by the
		Planning Commission

No opposition appeared. Councilman White moved that the change to "C-2" Commercial be granted. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

The Mayor brought up the following zoning applications deferred from last week:

J. D. LUKE	1111-1115 Enfield Road 1403-1407 Windsor Road	From "B" Residence 1st Height & Area To "B" Residence 2nd Height & Area NOT Recommended by the Planning Commission
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Mr. Victor Gleckler stated Mr. Vandygriff submitted a plat at the hearing, and they would like to have this application postponed until they could see the plat. Councilman Long moved that the hearing be continued until the next week. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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FRANCIS E. BENOIT By Jay B. Wilkins	1504 West 6th Street	From "B" Residence 2nd Height & Area To "O" Office 2nd Height & Area NOT Recommended by the Planning Commission
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Councilman Long moved that the Council sustain the recommendation of the Planning Commission and the change to "O" Office 2nd Height and Area be denied. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been DENIED.

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TOM A. FAIREY	2801 Rogge Lane	From "GR" General Retail To "C-1" Commercial NOT Recommended by the Planning Commission
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Mr. Francis Malone introduced people representing the "Stop and Go" Stores. MR. REEVES MANOR stated the "Stop and Go" had agreed to construct this building in line with the plans, and they were happy to have that building in Austin, and they believed it would be a compliment to the neighborhood. Mr. Malone stated on this basis, the people he represented withdrew the opposition to the "C-1" on the condition that something very similar to this building is to be constructed. Councilman Shanks and the Mayor expressed appreciation to the people in the manner

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in which they worked together. Councilman LaRue moved that the change to "C-1" Commercial be granted. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer
Noes: Councilman White

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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CAPITOL CITY OIL CO. 521 Sacramento Drive
By James E. Olson,
President

From "LR" Local Retail
To "C-1" Commercial
NOT Recommended by the
Planning Commission

Mr. James E. Olson represented the applicant. The Mayor stated the Building Inspector should be alerted that Mr. Olson would get a letter agreeing to a planting strip or a fence. Councilman Long moved that the change to "C-1" Commercial be granted and that the City Manager be asked to require a letter guaranteeing a planting strip or fence. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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The Mayor suggested that the Council set a meeting for 8:00 P.M., Tuesday evening, July 30th, and asked that all the Hospital Administrators and Trustees be notified; also that the Travis County Medical Society and the Board of Trustees and Administrator of Brackenridge Hospital be notified, as well as the Community Council. He suggested that as many interested people as possible be notified of this meeting. Councilman Long moved that this meeting be scheduled Tuesday night 8:00 P.M. (at Howson Branch Library Auditorium) The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager submitted the following:

"July 19, 1963

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, July 19, 1963, at the Office

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of the Director of the Water and Sewer Department for the INSTALLATION OF 12-INCH WATER MAINS AND APPURTENANCES IN INTERREGIONAL HIGHWAY FROM EAST LIVE OAK STREET SOUTH \approx 1,600 FEET. The bids were publicly opened and read in the Second Floor Conference Room, Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

<u>"FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Capitol City Utilities	\$10,855.00	10
F & S Company	11,110.00	5
Walter W. Schmidt	11,142.00	10
Fairey - Simons Company	11,157.00	15
Austin Engineering Company	11,428.00	25
Bland Construction Company	11,738.00	15
Ford - Wehmeyer, Incorporated	12,021.00	10
Goolsby Engineering Company, Temple, Texas	12,529.19	15
Superior Utilities, Dallas, Texas	12,861.00	20
City of Austin Estimate	12,070.00	0

"It is recommended that the contract be awarded to the Capitol City Utilities on their low bid of \$10,855.00 with 10 working days.

"Yours truly,
s/ Victor R. Schmidt, Jr.
Assistant Director Water and Sewer Department
s/ Albert R. Davis
Director Water and Sewer Department"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 19, 1963, for the installation of 12-inch water mains and appurtenances in Interregional Highway, from East Live Oak Street south approximately 1,600 feet; and,

WHEREAS, the bid of Capitol City Utilities, in the sum of \$10,855.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Capitol City Utilities, in the sum of \$10,855.00, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Capitol City Utilities.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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The City Manager submitted the following:

"July 23, 1963

"To: W. T. Williams, Jr., City Manager Subject: Excavation of Open Channel
and Placement of Concrete
Riprap

"Following is a tabulation of bids received at 10:00 A.M., Tuesday, July 23, 1963, for the excavation of open channel and placement of concrete riprap in Chestnut Avenue Easement from Rosewood Avenue to north property line of Rosewood Park, Contract No. 63-D-13.

Ed Page	\$ 7,588.50
Miller's Concrete Contractors	8,995.20
J. C. Evans Const. Co., Inc.	11,022.20
Norman L. Larson	12,340.00
City's Estimate	9,161.00

"I recommend that Ed Page with his low bid of \$7,588.50 be awarded the contract for this project.

"From: S. Reuben Rountree, Jr.
Director of Public Works
s/ S. Reuben Rountree, Jr."

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 23, 1963, for the excavation of open channel and placement of concrete riprap in Chestnut Avenue Easement, from Rosewood Avenue to north property line of Rosewood Park, Contract No. 63-D-13; and,

WHEREAS, the bid of Ed Page, in the sum of \$7,588.50, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Ed Page, in the sum of \$7,588.50, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Ed Page.

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

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The City Manager submitted the following:

"TO: Mr. W. T. Williams, City Manager SUBJECT: Bids on Substation Structure
for North Substation

"Bids were opened by the Purchasing Agent at 10:00 A.M. July 18, 1963 for a 69 KV substation structure for North Substation described in City of Austin Specifications E-404. The bids were referred to the Electric Department for evaluation.

"The bids are tabulated below:

<u>BIDDER</u>	<u>PRICE</u>	<u>DELIVERY</u>
Southern States Equipment Co.	29,400.00	8 weeks
ITE Circuit Breaker Co.	26,814.00	14 to 15 weeks
Westinghouse Electric Corp.	29,515.00	16 weeks
Westinghouse Electric Corp. Alternate	34,540.00	16 weeks
McGraw Edison - Pennsylvania Transformer Division	34,214.00	150 Days
McGraw Edison - Pennsylvania Transformer Division Alternate	31,514.00	150 Days
Graybar Electric Co.	28,361.20	90 Days
Priester - Mell Co., Inc.	33,615.00	8 Weeks
Priester - Mell Co., Inc. Alternate	32,885.00	

"All bidders quoted a firm price and net 30 days.

"I recommend that we accept the lowest and best bid of ITE Circuit Breaker Co. for \$26,814.00 and purchase this structure for installation at North Substation during the 1964 Fiscal Year.

"From: D. C. Kinney, Director Electric
Utility
s/ D. C. Kinney"

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 18, 1963, for a 69KV substation structure for North Substation; and,

WHEREAS, the bid of ITE Circuit Breaker Co., in the sum of \$26,814.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Electric Utility of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of ITE Circuit Breaker Co., in the sum of \$26,814.00, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with ITE Circuit Breaker Co.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager submitted the following:

"July 22, 1963

"TO: Honorable Mayor and Members of the City Council

SUBJECT: Bids for Motor Pick-Up Street Sweeper - Sanitation Division

"Bids were opened at 2:00 P.M. July 11, 1963 in the office of the Purchasing Agent for one Motor Pick-Up Street Sweeper with one 1938 Model Elgin Sweeper to be traded in on the new equipment. These bids are as follows:

		Net Difference
Jim Dulaney Machinery Co. Inc.	Wayne 2-770-4	\$9,920.00
Dulaney Service Company	Elgin Custom 475	\$9,991.00
Dulaney Service Company (Alternate Bid)	Elgin White Wing 475	\$10,489.80

"RECOMMENDATION: Recommend order be awarded to Jim Dulaney Machinery Company, Inc. on the Wayne 2-770-4 with engineered hopper and elevator flusher system for \$9,920.00

"W. T. Williams, Jr., City Manager"

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 11, 1963, for one Motor Pick-Up Street Sweeper for use by the Sanitation Division of the City of Austin; and,

WHEREAS, the bid of Jim Dulaney Machinery Co., Inc. in the sum of \$9,920.00 and trade-in, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Jim Dulaney Machinery Co. Inc., in the sum of \$9,920.00 and trade-in, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute, on behalf of the City, a contract with Jim Dulaney Machinery Co. Inc.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager submitted the following:

"July 22, 1963

"TO: Honorable Mayor and Members of the City Council

SUBJECT: Bids for Heavy Duty Industrial Tractor and Front End Loader and Hydraulically Operated Backhoe - Water Distribution Department

"Bids were opened at 2:00 P. M. July 15, 1963 in the office of the Purchasing Agent for one heavy duty Industrial Tractor with Front End Loader and Hydraulically operated Backhoe with one 1955 Case Tractor with Front end Loader and Hydraulically operated Backhoe to be traded in on the new equipment. These bids are as follows:

	Net Difference
Head & Guild Equipment Company	\$7,543.15
Tom Fairey Company	<u>\$7,905.72</u>
Dallas Implement Company	\$3,390.00

"RECOMMENDATION: Head and Guild Equipment Co. did not meet the minimum requirements of our specifications.

Therefore it is recommended that the next low bid of \$7,905.72 from Tom Fairey Company be accepted.

"W. T. Williams, Jr., City Manager"

MR. TOM LANGFORD stated this was not the low bid; that four dealers in town did not receive an invitation to bid; and that specifications were so written that no local dealer in town could bid. After they had made inquiry, bids were sent to them. The City Manager stated there was one bid lower, but it was not completed; and when the items were added, the bid might not have been low. He asked Mr. Langford if the specifications were written that no piece of equipment manufactured by Mr. Langford's Company could have met the specifications. It was his understanding there was equipment that could have been bid. Mr. Langford contended he could not bid this equipment as there was a provision "nothing under the minimum nor over the maximum would be accepted" and the specifications were written to exclude them. MR. DOOLEY BELL, Central Texas Equipment Company, stated he could not bid as the specifications called for a special sized tool box and his was not the same size; that his machine was 44 H.P. while the specifications called for 50. He said there were nine sets, and six companies could not meet the specifications, and the three bids were on John Deer equipment. Also it is required that parts have to be stored in Austin. All he wanted was the right to bid. The City Manager cleared the misunderstanding about the size of the tool box. He stated the City should be able to specify the type of equipment it feels would best do the job, and this equipment would be used for maintenance and not for construction work. It would be digging in cases of pipe breaks, and it will be working in saturated soils, mud and clay. He described the particular type of bucket that would handle this type of work. MR. TOM FAIREY said the statement that the bids were written to restrict them was wrong. MAYOR PALMER read the specifications. The City Manager explained why this particular size was needed. He said there was no reason why bidders could not bid a piece of equipment that met these specifications; that if they did not have a bucket, they could get one and put it on their equipment. He explained why the 50 HP equipment was needed. The City Manager reviewed the bid list. Councilman Shanks suggested that these companies try to get their merchandise specified. Councilman LaRue stated he would like to have the specifications and get some expert advice; that he was for competitive bidding, but he was not in a position now to determine whether or not this was a competitive bid. He wanted to study the specifications and go through them. Councilman Long inquired about the low bid of HEAD & GUILD EQUIPMENT COMPANY. The City Manager stated it was incomplete

and if this bid were accepted and the extras added, the price could exceed Mr. Fairey's. The Head and Guild Equipment Company left some items blank and did not commit themselves. Councilman White asked why these three or four men were not sent specifications when they were on the list. The City Manager stated they did receive bids but they did not bid. If they were not sent bids when the others were, it could have been because during conversations, they indicated they would not be competitive. He said he would find out. Councilman Long made inquiries about their not being invited to bid. Mayor Palmer stated the City had always tried to encourage competitive bidding, and it did not want closed specifications. He said they always attempted to design specifications where competition could get into play; to try to favor the local people, all things being equal, but they could not exclude out of town people. In cases where bids had been evaluated local people had been favored. He stated the way these specifications were drawn would not prohibit anyone from bidding them. After more discussion, the Mayor thanked the group, and stated the Council would look into this matter further. Later in the afternoon meeting the Council compared the bids, and particularly the bidder that did not complete his bid. After thoroughly reviewing the bids, Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 15, 1963, for one heavy duty Industrial Tractor with Front End Loader and Hydraulically operated Backhoe, to be used by the Water Distribution Department; and,

WHEREAS, the bid of Tom Fairey Company, in the sum of \$7,905.72 and trade-in, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Tom Fairey Company, in the sum of \$7,905.72 and trade-in, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Tom Fairey Company.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long suggested that a letter be written to the Head & Guild Equipment Company and thank them for his bid and explain that he failed to fill in the blanks; therefore the award was made to the one that had a complete set. She said bids should be drawn broad enough so that they could all bid.

The Council recessed until 2:30 P.M.

July 25, 1963

RECESSED MEETING

2:30 P.M.

At 2:30 P.M. the Council resumed its business.

The City Manager submitted the following:

"July 25, 1963

"To the City Council
City of Austin, Texas

"Re: Completion and acceptance of work improving portions of certain streets in the City of Austin, being part of Assessment Paving Contract Number 62-A-10

"The work of improving portions of the following named streets in the City of Austin, being part of Assessment Paving Contract Number 62-A-10, dated June 14, 1962 between the City of Austin and Joe Badgett Construction Company, has been performed and completed by Joe Badgett Construction Company in full compliance with the contract and the plans and specifications therein contained:

<u>Street</u>	<u>From</u>	<u>To</u>
Brazos Street	NPL East 1st Street	SPL East 11th Street
Guadalupe Street	NPL West 1st Street	SPL West 16th Street

"I have inspected, approved, and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, plans, and specifications referred to above.

"Respectfully submitted,
s/ S. Reuben Rountree, Jr.
Director of Public Works"

Mayor Palmer introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF BRAZOS STREET AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY JOE BADGETT CONSTRUCTION COMPANY, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the

July 25, 1963

rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"July 25, 1963

"To the City Council
City of Austin, Texas

"Re: Completion and acceptance of work
improving portions of certain streets
in the City of Austin, being part of
Assessment Paving Contract Number
61-A-21

"The work of improving portions of the following named streets in the City of Austin, being part of Assessment Paving Contract Number 61-A-21, dated August 4, 1961 between the City of Austin and Giesen and Latson Construction Company, has been performed and completed by Giesen and Latson Construction Company in full compliance with the contract and the plans and specifications therein contained:

<u>Street</u>	<u>From</u>	<u>To</u>
Colorado Street	NPL West 1st Street	NPL West 13th Street
Lavaca	NPL West 1st Street	SPL West 19th Street

"I have inspected, approved, and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, plans, and specifications referred to above.

"Respectfully submitted,
s/ S. Reuben Rountree, Jr.
Director of Public Works"

Mayor Palmer introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF COLORADO STREET AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED,

PERFORMED BY GIESEN & LATSON CONSTRUCTION COMPANY
 AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL
 ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH;
 DECLARING AN EMERGENCY, AND PROVIDING THAT THIS
 ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON
 ITS PASSAGE.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
 Noes: None

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
 Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
 Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"July 25, 1963

"To the City Council
 City of Austin, Texas

"Re: Completion and acceptance of work improving portions of certain streets in the City of Austin, being part of Assessment Paving Contract Number 62-A-5

"The work of improving portions of the following named streets in the City of Austin, being part of Assessment Paving Contract Number 62-A-5, dated March 22, 1962 between the City of Austin and R. B. Bowden Construction Company, has been performed and completed by R. B. Bowden Construction Company in full compliance with the contract and the plans and specifications therein contained:

<u>Street</u>	<u>From</u>	<u>To</u>
West 12th Street	EGL Possum Trot (South)	WPL Winsted Lane
East 45th Street	EGL Duval Street	WGL Airport Boulevard

"I have inspected, approved, and accepted the work and improvements referred to,

and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, plans, and specifications referred to above.

"Respectfully submitted,
s/ S. Reuben Rountree, Jr.
Director of Public Works"

Mayor Palmer introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF WEST 12TH STREET AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY R. B. BOWDEN CONSTRUCTION COMPANY AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (A) FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON 6.30 ACRES OF LAND,

LOCALLY KNOWN AS 1744-2000 RIVERSIDE DRIVE; AND (B) FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON 27.00 ACRES OF LAND, LOCALLY KNOWN AS 2002-2038 RIVERSIDE DRIVE AND 1200-1600 BLOCKS TINNIN LANE; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (A) LOTS 1-6, BLOCK 5, WILSON SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT AND (B) LOTS 7-10, BLOCK 5, AND LOTS 1-5, BLOCK 4, WILSON SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Shanks moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Shanks moved that the rule be suspended and the ordinance passed to its third reading. The motion

seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Shanks moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"July 25, 1963

"To the City Council
City of Austin, Texas

"Re: Completion and acceptance of work improving portions of certain streets in the City of Austin, being Assessment Paving Contract Number 62-A-21

"The work of improving portions of the following named streets in the City of Austin, being Assessment Paving Contract 62-A-21, dated December 20, 1962 between the City of Austin and J. W. Steelman, Inc., has been performed and completed by J. W. Steelman, Inc. in full compliance with the contract and the plans and specifications therein contained:

<u>Street</u>	<u>From</u>	<u>To</u>
West Annie Street	EPL Bouldin Avenue	WPL South 1st Street
Banister Lane	A point 522' south of SPL Philco Drive	SPL Redd Street
Bartlett Street	EPL Euclid Avenue	WPL South Congress Avenue
Briar Street	NPL West Annie Street	SPL West Milton Street
Brooklyn Street	SPL Leland Street	NPL East Live Oak Street
Dawson Road	NGL Ramona Street	SGL Post Oak Street
Fletcher Street	EPL South 3rd Street	EPL South 2nd Street
Fort View Road	A point 968' west of WPL Manchaca Road	WPL Manchaca Road
Jinx Avenue	A point 105' south of SPL Nalide Street	SPL Redd Street
Marcy Street	EPL Banister Lane	WPL Jinx Avenue
West Milton Street	EPL South 5th Street	WPL Bouldin Avenue
Oak Crest Avenue	NPL West Oltorf Street	WGL South 3rd Street
Richmond Avenue	A point 517' south of SPL Philco Drive	SPL Redd Street
Robert E. Lee Road	SGL Melridge Place	A point 1274' north of SGL Melridge Place
Russell Drive	NPL Redd Street	SGL West Ben White Blvd.

<u>Street</u>	<u>From</u>	<u>To</u>
Stacy Lane	NPL El Paso Street	A point 270' north of NPL Cumberland Road
South 3rd Street	NPL West Mary Street	SPL West Monroe Street
South 3rd Street	NPL West Oltorf Street	NPL Fletcher Street
South 5th Street	SPL Columbus Street	NPL Ramona Street

"I have inspected, approved, and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, plans and specifications referred to above.

"Respectfully submitted,
s/ S. Reuben Rountree, Jr.
Director of Public Works"

Mayor Palmer introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF WEST ANNIE STREET AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY J. W. STEELMAN, INC. AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an easement for sanitary sewer purposes was granted the City of Austin by instrument dated August 23, 1962 of record in Volume 2508 at pages 453-456 of the Deed Records of Travis County, Texas, for a ten (10.00) foot strip of land out of the James P. Wallace Survey No. 57 in Travis County, Texas; and,

WHEREAS, the owners of said premises have heretofore granted an easement at a more desirable location; and,

WHEREAS, the owners of said premises have requested the City Council of the City of Austin to release the above described sanitary sewer easement; and,

WHEREAS, the City Council has determined that said easement in, upon and across the above described property is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute a release of the following described sanitary sewer easement, to-wit:

A strip of land ten (10.00) feet in width, same being out of and a part of that certain tract of land out of the James P. Wallace Survey No. 57 in Travis County, Texas, which was conveyed to Louis C. Page by Warranty Deed dated April 26, 1956, of record in Volume 1686 at page 254 of the Deed Records of Travis County, Texas, the centerline of said strip of land ten (10.00) feet in width being more particularly described as follows:

BEGINNING at a point in the northwest line of the aforesaid Louis C. Page tract of land and from which point of beginning the most northerly corner of said Louis C. Page tract of land bears N 29° 45' E 5.00 feet;

THENCE, S 59° 51' E 870.93 feet to a point;

THENCE, S 26° 03' E 618.06 feet to a point;

THENCE, S 74° 28' E to point of termination in a southeast line of the said Louis C. Page tract of land, same being the northwest right-of-way line of the Interregional Highway.

AND in addition thereto a temporary working space easement fifteen (15.00) feet in width to cover the period of original installation is to be retained adjacent and parallel to both sides of the above described easement.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin is in need of right of way for the widening of East Second Street; and

WHEREAS, the City owns an adjoining tract of land, which was purchased from Lydia Littman, et al; and,

WHEREAS, an exchange of property, out of the Lydia Littman, et al, tract of land, can be effected on a square foot for square foot basis, for the right of way needed to widen East 2nd Street; and,

WHEREAS, the exchange of property will not decrease the value or use of the remaining portion of city-owned tract of land; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby authorized to execute, on behalf of the City, a deed conveying the east 9.7 feet out of .45 of one acre of Lot 9, Outlots 15 and 16, Division "O", E. H. Deats Estate, approximately 870 square feet, to Irving Dochen for approximately 870 square feet of land out of Outlot 15, Division "O", E. H. Deats Estate, which is to be conveyed to the City of Austin by Irving Dochen for right of way purposes.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by Richard A. Fulcher, located at 107 Laguna Vista Drive, Subst. 21, William Sparks Survey, Westlake Hills, Travis County, Texas, and hereby authorizes the said Richard A. Fulcher to construct, maintain and operate this boat dock subject to the same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Fire and Health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said Richard A. Fulcher has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

July 25, 1963

(Recommendations attached)

"Austin, Texas
July 18, 1963

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Richard A. Fulcher, owner of property abutting on that part of Lake Austin lying downstream from the westerly extension of the south line of Windsor Road, located at 107 Laguna Vista Drive, Subst. 21, William Sparks Survey, Westlake Hills, Travis County, Texas, for permission to construct and maintain a boat dock projecting out into the lake approximately twenty-four (24) feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Richard A. Fulcher is granted his request by the City Council that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten (10) feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonable clean at all times.

"Respectfully submitted,
s/ Dick T. Jordan
Building Official"

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter

named and said maps or plans have been considered by the Director of Public Works; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduits in the following streets:

- (1) An underground telephone conduit in WEST 24TH STREET from a point 144 feet west of Guadalupe Street easterly 167 feet to a point in a line 24 feet east of the west property line of Guadalupe Street, the centerline of which underground telephone conduit shall be 15 feet south of and parallel to the north property line of said WEST 24TH STREET.
- (2) An underground telephone conduit in GUADALUPE STREET, the centerline of which underground telephone conduit extends from the point of intersection of a line 24 feet east of and parallel to the west property line of said Guadalupe Street with a line 15 feet south of and parallel to the north property line of West 24th Street to an existing manhole, the center of which manhole is at the point of intersection of a line 26 feet east of and parallel to the west property line of said GUADALUPE STREET with a line 39 feet south of and parallel to the north property line of 24th Street.
- (3) An underground telephone conduit in STATE HIGHWAY # 71, from an existing manhole 47 feet west of Brandt Drive, easterly 100 feet to a point in a line 7 feet west of and parallel to the east property line of Brandt Drive; the centerline of which underground telephone conduit shall be 6 feet south of and parallel to the north property line of said STATE HIGHWAY #71.
- (4) An underground telephone conduit in BRANDT DRIVE, from a point in a line 6 feet south of and parallel to the north property line of State Highway #71 northerly 315 feet to the south line of Richland Estate Section 2, Phase 1, the centerline of which underground telephone conduit shall be 7 feet west of and parallel to the east property line of said BRANDT DRIVE.
- (5) An underground telephone conduit in EAST 51ST STREET, from Harmon Avenue easterly 406 feet, the centerline of which underground telephone conduit shall be 22 feet south of and parallel to the centerline of said EAST 51ST STREET.

THAT the work and construction of said underground telephone conduit, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager submitted the request of TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 10 to transfer funds to the district, stating the City holds \$24,299 of which \$4690 are customer deposits. To transfer what they are requesting would exceed the free balance by \$1300. Their experience has been, with the business they do, they would make that up within a month. Councilman Shanks moved that the request be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer
Noes: None
Not in Council Room when the roll was called: Councilman Long

The City Manager stated another request had been received from DISTRICT 13 to transfer funds in the amount of \$2,681 which would include all deposits. This would be made up in about two or three months. Councilman Shanks moved that the City Manager be authorized to transfer these funds. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer
Noes: None
Not in Council Room when the roll was called: Councilman Long

The City Manager reported that MR. ED BLUESTEIN, Engineer for the State Highway Department, had written that District 14 was considering the widening of Highway 290 to a divided type of highway with a median down the middle, and 80' of right of way will be needed to what now exists. District 14 wants to submit this to the Commission for approval, and it has called on the City and County to indicate whether or not they would be interested in participation. The Highway Department will do the work; the City will acquire the right of way inside the city limits, and the Highway Department will share 50-50 in costs of acquisition of right of way. There will be a mile and a half within the city limits. He stated included in the plans would be a grade separation at Highway 290 and Cameron Road, which would be constructed by the Highway Department. The right of way is now 120' and 80' additional will be needed. The County, through Judge Watson, has written that it is interested. The City Manager stated District 14 is asking for a letter from the City Manager, which has been authorized by the Council, stating that the City is interested in this project, and that he had investigated this and it was his recommendation. Councilman Long moved that the City Manager's recommendation be accepted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, C.E. Alvis, Jr. and William B. Carsow, owners of a portion of Lots 9 and 10, Block 67 of the Original City of Austin and locally known as 305 East 7th Street, in the City of Austin, Travis County, Texas, have requested permission to extend the existing retaining wall approximately 2 1/2 feet westerly to the west property line of said tract of land; said extension being along the south curb line of East 7th Street and within the sidewalk area of East 7th Street; and,

WHEREAS, Alvis and Carsow have submitted an architectural sketch showing the proposed extension of said retaining wall; and,

WHEREAS, said request has been reviewed and considered by the City Council of the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Alvis and Carsow, owners of said portion of Lots 9 and 10, Block 67 of the Original City of Austin, be permitted to extend the existing retaining wall in the sidewalk area along the south curb of East 7th Street in the City of Austin for a distance of approximately 2.5 feet westerly parallel to the centerline of East 7th Street and in line with the existing centerline of the existing retaining wall, and the Director of Public Works is hereby instructed to issue a permit for the construction of this retaining wall extension of 2.5 feet in accordance with line control furnished by the Department of Public Works of the City of Austin.

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager explained there was a trade of property authorized some time back, and the trade is being consummated with MR. and MRS. JAMES D. BURNHAM. Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a deed on behalf of the City of Austin, conveying to James D. Burnham and wife, Lois Burnham, the following described property, to-wit:

Being all of Lots 1, 2, 3, 4, 5, 6, 7, and 8,
Block A, Touchstone Subdivision, according to
a map or plat of said Touchstone Subdivision
of record in Book 18, page 9 of the Plat Records
of Travis County, Texas.

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen Shanks, White, Mayor Palmer
Noes: None
Present but not voting: Councilmen LaRue, Long (as they were not familiar with the earlier transaction)

DISCUSSION OF WATER DISTRICTS:

The City Manager gave a brief history of the establishments of Water Districts in Travis County beginning with the first one organized in 1939 and following through the other twelve created since then, in addition to Travis Williamson County Water Control District No. 1, and showing the location of each on the map. Water Districts No. 1 and 2 were purchased as the City expanded; and in 1951 when there was a large extension of the city limits, Water District No. 3 was purchased. Some small parts of the lines of Districts No. 1 and 3 are still outside the city limits. He brought out that wells in the area had so much mineral in the water that it did not make good household use water, and the Districts came to the City for a contract to furnish them water. Water District No. 10 is the only exception to a rule that the City has whereby it serves another town. There is a rule in all the contracts that no new towns could be organized or created within one of these districts, but West Lake Hills was in existence when the district was created, and only a part of the town is included in the district. The contract provides that the district will not enlarge beyond the outer limits of the present town.

The City Manager reviewed the operation of these districts stating they were served water by the City, and under the contracts the water is sold to these districts for one and a half times the City rate. In order to help these districts save operating costs, the City contracted with them to read their meters, bill their customers, and do their collections for them; the districts are charged for that service. The contracts also provide that the City will maintain their lines, at a nominal charge, and make an adjustment at the end of the year. The one and a half times rate charged by the City is based on consumption of water which flows through one meter, and it is in a high volume. The actual effect is, for the thousands of gallons of water which each district buys from the City wholesale, the price per gallon is probably not as high as the retail price to small users in the City; yet, it is an adequate price for the City to make a small profit on the water itself. The district in turn has to set a charge which will not only reimburse it for the water which is purchased, but for any water loss they have in their lines, and for these other expenses of operation including maintenance charges, meter reading, billing, etc. which is performed by the City. Then they have to meet their interest and principle payments on the bonds they issue for building the system. Their rates generally, to small quantity users, run about $2\frac{1}{2}$ or 3 times the City rate.

The organization of the districts was described by the City Manager, in that each district had its own Board which constituted the policy making; the City of Austin steps in as manager under the direction of the Board and operates the district. The Board sets the rate and sets up their own bond programs.

Because it was known where water would be available outside the city limits, there would be a growth in the number of customers and in the number of people living in the area; and because it was anticipated some of those areas would be developed by subdivisions; and because of the fact when a relatively large group was located in a general area there might be some desire on the part of some of them to organize separate towns, the City made provisions in all of its contracts that no territory in the districts could be thereafter incorporated in a separate town, and no territory in a district which had been subdivided could be served by the district unless the subdivision had been approved

by the Planning Commission. Those regulations have served well during the years and may be one reason that the City has not been surrounded by "bedroom" cities and that there had not been developments of subdivisions that did not meet the City's standards. The City Manager stated all of the subdivisions now meet the City's standards.

In the development of each of these districts, the City, in line with a provision in its contracts with the districts, had an opportunity to review the plans and specifications of the lines; and these plans and specifications were sound and satisfactory in every point of view and met generally the same standards that the City would have used. Some on site inspections were made during construction to see that generally the job was being done according to the City's practice.

The districts had a number of other things to do besides get plans and specifications. They had to vote authority to issue bonds, and in each case bonds were voted. The bonds under the State Law are bonds which may be paid for from revenue, but which are also tax bonds; if they are not paid by revenue, taxes must be levied to pay the bonds. Each district proceeded with the issuance of bonds; but in the process of the issuance, they not only had to submit their records to the Attorney General's Office, but had to get a feasibility approval from the Board of Water Engineers.

The City Manager stated that districts beginning with No. 4 were developed by property owners in the districts and engineers were employed to design the line systems. He listed the requirements provided - that indications be given as to what customers would be served by the district at the time it was created and a forecast be made as to what additional customers might be added. Also required was a projection as to the probable revenue, based on the rates and probable operating expenses; and what the net revenue would be which would be available for debt service. When No. 4 was beginning to be conceived in 1953, there was a drought period which extended for several years. Individual customers had a high demand for water, and as a result, the forecasts made at the time were somewhat high, probably higher than they would have been had the systems been built during wet years, or immediately following the wet years. In that respect, and only in that respect, the forecasts made by those developing the districts were somewhat in error. In most cases the volumes of sales had not occurred which were forecast in those projections because of the fact the weather conditions changed. The volume of sales then being lower than anticipated during the early years after the development of the system; and in some instances, delays in construction which caused the system not to be completed as promptly as possible, resulted in an expense to the district; and for various things that had not been anticipated, the revenues were not adequate in most of the districts to meet the interest and principal payments, and taxes had to be levied.

District No. 3 on the Elgin Highway realized when they started, they would not have enough revenues initially to meet the debt service requirements and started out levying a tax the first year they were created. Most of the other districts entertained hopes they would do a volume of business which would permit them to pay their operating expenses and debt service each year without levying a tax, and they delayed the levy of a tax until it was absolutely necessary. District No. 3 started levying their tax from the start. The City Manager stated that possibly with the knowledge on part of some of the property owners and the

general public that a tax was going to be necessary, no doubt, tended to reduce the number of new houses and new customers in these areas, so that a tax situation may possibly have affected the number of customers and amount of revenue for the districts. The lesser volume of sales to the customers resulting in a necessity of possibly levying a tax and the threat of levying a tax would tend to disturb people from settling in the area, and this has all worked to a detriment to the district.

Austin is completely surrounded by water districts. Across the south there are Districts Nos. 2, 4, 5, 6, 9, and 10 which is of no concern to the City because it is across the river in territory into which the City could not expand into anyway. There is Travis Williamson County District in the northwest, Nos. 7 and 11 to the north and No. 13 to the east. There is very little territory lying between the City and the area limits of these districts. The City Manager stated there were some small areas left which could be developed which do not lie in the district; but many people had called that they had considered the possibility of acquiring and subdividing property in these areas, but because of what is involved, they had acquired other land. The only way the City can expand is to expand in the districts. He cited two instances where subdivisions were built in Water Districts, and the developers wanted them annexed so sanitary sewer and other City services could be obtained. It was pointed out even though the subdivisions were annexed, they would still be subject to both the City tax and any tax levied by the district. Water District No. 5 was asked if it wanted to serve these subdivisions, but it had no lines anywhere near the area, and the cost of putting in a line was considerable. In District No. 8, some territory was annexed in the University Hills which lies within Water District No. 8, and this district likewise did not have lines in the vicinity. The City Manager stated no customers had been taken away from the Water Districts, and no customers had been served by the City that were near enough to the District for it to serve. In Water District No. 5, the City was asked by the District to serve some areas. Because of the tax question there was the problem of the general public's buying a house and lots and not being aware that the property was subject to taxes by both the City and the District. The subdividers were then required to place a statement on the map that the property lay in Water District No. 5 and was subject to taxation by both the City and the District. In spite of that, there had been a number of customers who bought and built who said they were not aware of the fact that they were going to be subjected to both City and district taxes.

The City Manager reviewed the provision in the contracts pertaining to the City's buying a whole district, or any part of the system, and the financial provisions, in that the City pays either a proportionate cost of the line, or it pays for that line a proportional cost of that line which the ratio of revenue produced from that piece of line bears to the total revenue of the district, whichever is the greater. If a section of line is taken that may be a valuable part of the District's revenue produced, the bond holders then require the district to levy a sufficient tax to be able to meet the maturity, and they can ask the Court to specifically levy a tax sufficient to meet the obligations. The tax values having been sustained do produce enough revenue to meet the interest and principle payments on the bonds; so if the revenue is not received from the operation of the system, it would be obtained from taxation. The Mayor explained that the contracts now provide the amount paid the water district when the City buys a part of the line, was to be applied to the bonded debt.

A unique situation exists with respect to Mr. David Barrow's subdivision, as the City is using Travis Williamson County Water District No. 1's system to

serve the area water since the area is on a high level and since it would be necessary to install booster stations and probably put a reservoir in the vicinity to serve the subdivisions. The City sells water to the District for a rate and a half, and the District pays for energy to pump the water to the necessary level, and the City uses their lines. At this time it has not been agreed upon how much the City should pay the district for the water in excess of what it charges them for the water to serve this particular area, although the people pay the same amount as they do in the City because they are in the City.

The way the Water Districts surround the City on three sides is an emphasis that there is not much room for future growth. The only place people can get land to subdivide is in these districts, and there is the problem of being taxed by two agencies, plus a higher water rate. This situation is beginning to be felt and will be more and more so until something is done to relieve it. Generally this affected residential development, but the same thing applies to any prospect for industrial development, and that is a serious problem. Although there are a few areas where industries could locate in the City, they find land prices are high. Outside the City, they run into the water district problem. The City Manager stated from a point of view of residential development as well as possible industrial development, the present limits of these districts, located as they are so close to the City, are beginning to have their effect on the growth and development of the City. With that thought in mind, he and the others began to study what might be done about it as far as those districts are concerned which seem to be the ones that are limiting the growth. At this time the City would not be particularly concerned about Districts No. 9 and 12; however, Districts Nos. 4, 5, 6, 7, 8, 13, and Travis Williamson County District No. 1 are of much concern. He stated a study was made of what the districts were doing, and covered the number of customers, their present revenue, costs of operation and maintenance, interest costs and depreciation, and a conclusion was reached which he believed was quite valid. The City Manager distributed copies of "Study of Water Control and Improvement Districts Nos. 4, 5, 6, 7, 8, 13, and Travis Williamson County District No. 1" covering the period from June 1960 to June 1963. He explained the Schedule, and stated in the total of these districts, the revenue produced for 1962-1963 exceeded what had been forecast in May of last year by some \$19,000. Water District No. 4 was purchased in August of last year, and the same rates were continued on any part of District No. 4 that was outside the city limits until such time the operating revenues would offset the operation and maintenance cost, depreciation, and interest on the investment of the system.

In the overall series of Districts Nos. 1, 5, 6, 7, 8, 13, plus No. 4 as of June this year, there are 2,443 customers, and the forecast for next year is 2,950. During the past few years, 1300 customers had been added, which averaged 450 customers per year. The City Manager stated this was a conservative indication. From next summer there will be an increase of 600 customers, 600 for the next year, 700 the following year, and then 800 the next year. There is being constructed 1700 or 1800 single family residences in Austin and vicinity within the metropolitan area each year, and he said in the future 1800 houses could be built annually without moving into these districts, and he believed at least a third of those would be in the district. The City Manager stated he believed unquestionably that if these districts were taken over, and thus relieving the areas of the future district tax and removing the threat of any future tax, that the growth would be greatly accelerated. The City Manager reviewed the schedules in detail, pointing out gross revenue in June of 1963 was \$250,285, and the projections show in 1968 to be no less than \$616,000. He discussed the operating

costs of the Districts compared to what the City could operate the districts. He stated his study had come up with a conclusion as additional customers were added, the expense would be \$300 per customer. In the City it costs \$200 to add a customer. He explained the extra \$100 cost.

He stated for 1963 there was an actual revenue of this group of districts of \$250,285, and expenses, including operating, maintenance, depreciation and interest of \$280,420. In 1964 it is predicted that the revenue will be \$293,000 and expenses of \$305,650. If the City had these districts in its operation, for the year 1963-1964, there would be \$12,000 loss; but from 1965 on, this would be on a profit making basis each year, using water district rates. In each district purchased, beginning with District No. 1, the rate that was in effect in the district was continued until the territory was taken into the City limits. The same thing was done last year with District 4. As the property is taken into the City, those customers within the City would be charged the same city rate. Those outside the City would continue the same rates until the operation of that district at the lower rate would break even.

The City Manager reported on a meeting with MR. DAVID BARROW, concerning Travis Williamson County No. 1, after having reviewed the water district status with the Council last summer. He had set out in writing to Mr. Barrow on December 21st, that if the District would get a commitment from the bondholders that for some period of time they would agree to surrender their bonds for par; and if the district would provide by levy of tax or by some other means an additional sum of money or accounts receivable or assets above which they had had which would cause their assets and liabilities to balance, then he would recommend to the Council to take the district over.

The City Manager discussed the financial condition of Travis Williamson County Water District No. 1 in detail, and listed the amount of tax levy it would take to pay off its liabilities. MR. VERNON LEMENS stated that tax was the thing that caused the blighted area and had depressed the area. The City Manager listed a number of advantages the area would have if the City took the district over.

The City Manager stated if this group of districts could be acquired they would be self sustaining beginning next year. Councilman Long inquired about a summer water rate, and asked if taking on burdens like this would keep from getting summer water rates next year. The City Manager stated this would not have any effect on it at all; that this was a business proposition where an investment is made for the people of Austin in which they will make money in the future. The water system by itself does make money; but the combined water and sewer system does not. In the districts all these rates are $2\frac{1}{2}$ times the City rate, and they do not have sewer.

The City Manager explained the financing of the purchase of these districts. He also recommended that the refund contracts in the districts be sold to the City for 50¢ on the dollar. After reviewing the financing for the purchase of these districts, he stated that people were going to have to build on land outside the City limits, and it was hard to forecast where they were going to build; so for that reason the whole thing was grouped to get a composite approach, and it was his recommendation that all of the districts be taken over at once.

Mayor Palmer said the City Manager probably had not progressed to this point on some of the other districts from a pure feasibility study that would

justify the City's taking them over; and it is not a matter of bailing out any district. His recommendation today would pretty well set the pattern for the others that they must be current on the value of their system; or outstanding indebtedness and liabilities in no case would exceed the amount of money of the market value of that system. They would have to levy a tax or do something to balance the assets and liabilities. Councilman Shanks stated the people were bailing themselves out instead of the City of Austin. Councilman LaRue asked if all of the districts were interested in this proposition. The City Manager replied that most of them would be. District No. 5, because of the growth of the City, could be able in a year or two to eliminate its tax. District No. 7 has some 900 customers and has been on a profit making basis from the point of view of gross revenue, but it was out of water last Sunday, and it is faced with further cost of increasing the size of their lines. The estimated cost would be about \$75,000 to put the lines in good shape. That was included in the \$300 per customer added to the district mentioned earlier. Councilman LaRue asked if it would be his recommendation that they be taken in at a certain date, or as they became ready. The City Manager stated it would be his recommendation that all of them be taken in, if the Council agrees that is the thing to do, and then take a little time to work them out. The City Manager said the City could take over the Districts and assume the responsibility and next December pay off the bonds. He stated it would be better to move in and acquire the whole group if possible; if not, take those that could be acquired. The question there would be in those districts where the debts exceed their assets and whether or not they would be willing to increase their assets by a tax levy. The City Manager stated on the basis which he had suggested here, the total amount to take these districts over would be \$3,400,000. The liabilities would be equal to the assets before the City took a district over.

Mayor Palmer asked the City Manager if it would be his idea if all these things were done on Travis Williamson County No. 1, that he would recommend this district be taken in; then if he would prepare this same data on accounts of all the others and submit it to the Council on which basis he would recommend taking over the others. The City Manager said that was correct. The Mayor said in light of the statement presented on Travis Williamson County No. 1, the things the District would be required to do would be to levy this tax and have some assurance from the bond people they could get the bonds at par; and have a commitment from holders of refund contracts that they would settle on 50 cents on the dollar. Councilman Shanks suggested proceeding with the others and set a policy on the basis suggested for Travis Williamson County No. 1.

The City Manager read an excerpt from a letter he had written to Mr. Barrow listing some advantages to the district's selling to the City.

Mr. Barrow stated some of the people in the area did have some apprehension as to whether or not the City would annex the area, but he assured them based on the City's policy, it was not its policy to annex areas until the City expanded out to where they were. He did not believe it would be possible to get in all the bonds at par. MR. BILL BULLARD said he thought this was the finest thing that had been brought up in a long time, and the Council should not delay. He said Travis Williamson County No. 1 was stalemated.

Councilman Shanks expressed his feeling that the City should go on with acquiring these districts. Councilman LaRue said the Council should say it would take in all of these water districts on the basis they must equal their assets and liabilities according to the City's auditors, etc.; and as soon as these qualifications were met the City would be ready to take them in as far as Nos.

1, 5, 6, 7, 8, 13, and Travis Williamson County No. 1 were concerned. Councilman Long stated that policy could be established; and if No. 12 could meet them, why couldn't it come in. The City Manager stated no great residential development on the other side of Bergstrom was anticipated at this time; and when developments come about where it would be advantageous to the City, then the City would be interested. Councilman White stated he thought this proposition was all right and the whole thing should be tied up.

Councilman LaRue moved that the City Manager be authorized to state that the City is ready to purchase the system and assets of Travis County Water Control and Improvement Districts Nos. 5, 6, 7, 8, 13, and Travis-Williamson County Water District No. 1 for the amount of the outstanding obligations of the district if the district would meet the following conditions:

1. The District is to get a commitment from the bondholders agreeing to surrender their bonds for par and accrued interest.
2. The District would provide by levy of valid tax or by some other means enough money or assets to cause their assets and liabilities to balance, using book value of the system less depreciation of 1.67% annually.
3. Those holding refund contracts in the District would sell them to the City for 50¢ on the dollar.
4. That the customers in the District be advised that they would continue to pay the same water rates they are now paying until a customer is annexed by the City, at which time such customer will pay regular city rates.

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer read an invitation from MRS. PERUISE WEBB, inviting the Council to a Mexican Dinner at the Pan American Center, Saturday, August 3rd, at 6:00 P.M.

The Mayor extended an invitation from the Down Town Lions Club to the Council and City Manager to attend their program on "Our City" on September 19th. Each member of the Council has been asked to talk about five minutes on some project of the City. The Council accepted the invitation.

In connection with the acceptance of paving of a number of streets earlier in the meeting, Councilman Long inquired about Brazos and its completion date. The Director of Public Works stated it was completed in 1961, but the acceptance had been held up pending the Railroad's getting the crossings finished, but now he wanted to run these assessments on through and take care of the crossing later. The Mayor stated the Missouri Pacific Railroad had been asked to repair crossings

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on 2nd, 3rd, and 4th Streets on Colorado and Brazos; and the Southern Pacific should also be asked to repair theirs on San Jacinto, Brazos and Trinity. Councilman Long suggested putting the Railroad Companies on notice to do these, and if they do not, the City would have to do it and assess them.

The Mayor read a letter from REV. W. E. DICKERSON, Oak Hill Optimist Club, asking the City to furnish electricity for their Little League and Babe Ruth Ball Parks. After discussion, Councilman Long moved that the Council express its regrets; that it feels this is a worthy program, but the City could not participate because the parks are outside the city limits. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Palmer
Noes: Councilman Shanks

The Mayor read a letter from the Solicitation Board dated July 23, 1963, commending the work of MRS. THEDA GOHLKE, and MR. CHARLES SAUNDERS, as follows:

"July 23, 1963

"Mayor Lester E. Palmer
Municipal Building
Box 1160
Austin, Texas

"Dear Mayor Palmer:

"At the July 8, 1963, meeting of the Solicitation Board of the City of Austin, the Board unanimously voted that a letter of commendation and appreciation be sent to the City Council concerning the work of Mrs. Theda Gohlke, secretary, and Mr. Charles Saunders, administrative assistant, in regard to affairs concerning the Board.

"Their efficiency and consistent good handling of solicitation applications and other affairs of this group does much to make our decisions easier and free us from burdensome, time-consuming detail. This close cooperation by these two members of the administrative staff of the city is appreciated by the Solicitation Board and we felt that you and other members of the City Council should be made aware of the fine assistance we are given in the carrying out of our work.

"Sincerely,
s/ R. V. Miller
R. V. Miller, Chairman
Solicitation Board
City of Austin"

The Mayor asked that the Council's thanks be conveyed to them.

The City Manager reported the receipt of \$25,319.85 from the Austin Housing Authority as a payment in lieu of taxes for 1962. This payment is made to the City, and amounts due the Schools and the County will be distributed to them. The City's estimate was \$8,400, and this amount is to be placed in the General Fund.

MR. LEO LEWIS inquired about any reason why the Fire Department could not come out and put out grass fires and house fires outside the City, when the station is only five minutes away. The Mayor explained, among other reasons, there were no fire hydrants in these outlying areas, and it would not be wise to leave the City exposed. Councilman LaRue inquired why something could not be done to relieve West Lake Hills. The City Manager explained there is a law which authorizes the providing of fire protection, under a contract, but West Lake Hills had not asked for a contract.

Councilman White moved that the Minutes of the Meeting of July 11, 1963, be approved. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Council had under consideration the approval of transfer of the contract of JOHN G. CAMPBELL to T. V. CABLE OF AUSTIN, INC. The Assistant City Attorney read a letter from the attorney, Mr. Fred Werkenthin, concerning the financial statement. Councilman Shanks asked that information be furnished showing the amount of capital stock of the corporation; the number of shares, the names of the stockholders, how much money had been paid in, and how much of this surplus is stock. Mayor Palmer asked if Mr. Campbell had this clearance from the provisions of the FCC that part of his programs would be blacked out. The Mayor wanted to know the number of authorized shares, the capital structure, and the names of the officers. Approval of the transfer was deferred until the next week pending receipt of this additional information.

Councilman Long reported MRS. ALMA BARNES who lives on Neches between East 10th and 11th Streets, has been unhappy about the parking situation, and asked that Mr. Kapproth make a study to see if they need one hour, or two hour parking, head-in parking, etc., and report to the Council. Councilman LaRue stated this had been checked into about two weeks ago, and it was being worked on now. Mayor Palmer stated it should be studied, as the Post Office would soon be finished.

Mayor Palmer read a letter from MR. STEVE PRICE, Captain Aqua Beauty Contest, stating he would like to have a proclamation or Resolution congratulating the three young ladies on winning the preliminaries.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an easement for electric down-guy purposes was granted to the City of Austin, in, upon and across all of the south forty (40) feet of the west five (5) feet of Lot 2, in a resubdivision of part of Block J, Barton Hills Section 1, said Barton Hills Section 1 being a subdivision of a portion of the Henry P. Hill Survey Number 14 in the City of Austin, Travis County, Texas, according to a map or plat of said Barton Hills Section 1 of record in Book 7 at page

106 of the Plat Records of Travis County, Texas; a map or plat of said resubdivision of part of Block J, Barton Hills Section 1, being of record in Book 16 at page 66 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of said premises has requested the City Council of the City of Austin to release the above described electric down-guy easement; and,

WHEREAS, the City Council has determined that said easement in, upon and across the above described property is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute a release of the following described electric down-guy easement, to-wit:

Being all of the south forty (40.00) feet of the west five (5) feet of Lot 2, in a resubdivision of part of Block J, Barton Hills Section 1, said Barton Hills Section 1 being a subdivision of a portion of the Henry P. Hill Survey Number 14 in the City of Austin, Travis County, Texas, according to the map or plat of said Barton Hills Section 1 of record in Book 7 at page 106 of the Plat Records of Travis County, Texas; a map or plat of said resubdivision of part of Block J, Barton Hills Section 1, being of record in Book 16 at page 66 of the Plat Records of Travis County, Texas.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer read an invitation from the City Council and Chamber of Commerce of San Marcos to the Council to attend the Tourist Attraction programs on Friday at 5:15 in San Marcos.

The Council agreed to meet at 8:00 P.M., August 5, 6, 7th for studies of the proposed budget.

The Assistant City Manager reported the "Old Oil Mill" property had been declared a public health hazard, and notice had been given to the owner. The Mayor suggested sending a second notice before filing.

There being no further business Councilman Long moved that the Council adjourn. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Council adjourned at 7:00 P.M., subject to the call of the Mayor.

APPROVED Leota E. Palmer
Mayor

ATTEST:

Elvis Haeley
City Clerk